

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVE ALAN MAHONEY,

Plaintiff,

v.

PIERCE COUNTY JAIL, et al.,

Defendants.

CASE NO. C10-5238BHS/JRC

ORDER DENYING PLAINTIFF'S
REQUEST FOR APPOINTMENT OF
COUNSEL

This Civil Rights Action has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and(B), and Local Magistrate Judge's Rule MJR3 and MJR4.

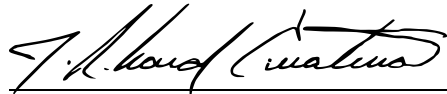
The matter is before the court on plaintiff's second motion for appointment of counsel (Dkt. #9).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th

1 Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
2 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
3 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
4 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

5 Plaintiff has demonstrated an adequate ability to articulate his claims pro se and has not
6 made an argument regarding the likelihood of success on the merits. His reasons for
7 appointment of counsel do not constitute exceptional circumstances. According, the motion
8 (Dkt. # 9) is **DENIED**.

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10 DATED this 20th day of September, 2010.

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13 J. Richard Creatura
14 United States Magistrate Judge
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